IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 12512 of 2004

Between:

Viswabharathi Degree College, rep.by its Correspondent Sri A.V.V.Raju,S/o.A.L.N.Raju, R/o.Viswabharathi Bhavan, 19-9-3F, Jayanagar,Thirupathi, Chittoor Dist.

..... PETITIONER

AND

The Registrar, Sri Venkateswara University, Tirupathi, Chittoor Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring that the action of the respondent in issuing the impugned notice dated 24-06-2004 is in violation of the provisions of G.O.M.S No.29 Rule 9 & 10, dated 15-7-1987, R/w. G.O.R.T.No. 1623, dated 12-10-1990, and is arbitrary, unconstitutional, and illegal and to further grant temporary affiliation for the post Graduate Courses i.e., M.Com, M.Sc. Electronics, M.Sc. Maths, and M.F.M. to VISHWAHARATHI DEGREE COLLEGE, Jaya Nagar, Thirupathi, Chittoor Dist., (Petitioner herein) for the academic year 2004-2005.

Counsel for the Petitioner: MR.B.V.SUBBAIAH

Counsel for the Respondent : Mr.B.ADINARAYANA RAO

The Court made the following :

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12512 OF 2004

ORDER:

Viswabharathi Degree College, Tirupathi, the petitioner herein was established by the Regional Educational Development Society, Tirupathi. The competent authority, namely, A.P.State Council of Higher Education (for short, the State Council) by proceedings dated 06.11.1995 accorded permission under Section 20 of the A.P.Education Act, 1982 (the Education Act, for brevity) for starting degree college during the academic year 1995-96 with a specific condition that the college should not violate the conditions laid down by the University/Government and State Council from time to time. The permission was granted for starting the college with B.A., and B.Sc., degree courses. Be that as it is, Sri Venkateswara University (the University, for brevity) by order dated 19.12.1995 granted conditional affiliation to the college with B.A., and B.Sc., courses.

The petitioner college started post graduate courses from academic year 2001-02. As required under law, the college obtained permission from State Council vide proceedings dated 28.05.2002 for starting M.Sc., (Electronics) course with an intake of twenty four (24) students. During the academic year 2003-04, the petitioner was granted permission to start M.Com., course with an intake of thirty (30) students. The University by its letter dated 29.12.2003 granted temporary conditional affiliation for the existing new post graduate courses from the academic year 2001-02 to 2003-04. As per said order, the petitioner college was permitted to offer post graduate courses in M.Sc., (Computer Science), M.Sc., (Electronics), M.Sc., (Mathematics), M.F.M., (Master of Financial Management) and M.Com. The University by letter/proceedings dated 24.06.2004 informed the petitioner college that the University had decided to implement the judgment of this Court in W.P. No.12340 of 2003 dated 07.01.2004 and that since the petitioner college is run in a rented building even after completion of five years, the question of granting further affiliation shall be considered only after the college is shifted to its own buildings. The college

was also directed not to make admissions into first year courses during the academic year 2004-05. This order is assailed in the writ petition. It is mainly contended that in the absence of any maximum period for granting temporary affiliation, withdrawing or discontinuing temporary affiliation is illegal. It is also the contention that affiliation is granted to the courses under Rules 9 and 10 of A.P. Educational Institutions (Establishment, Recognition, Administration and Control of Institutions of Higher Education) Rules, 1987 (hereafter called, the Higher Education Rules), that as the petitioner college started post graduate courses from the academic year 2001-02, the Higher Education Rules 9 and 10 have no application.

The University filed counter affidavit opposing the writ petition. It is stated that the University has taken action in accordance with the judgment of this Court in W.P.No.12340 of 2003 dated 07.01.2004 as well as the relevant rules, that post graduate courses are sanctioned to the petitioner college, which was established in 1995 and that both graduate and post graduate courses are run in the same buildings, that notice was issued on 23.03.2004 and that there after executive council passed a resolution not to extend temporary affiliation to the college, which has completed five years of their establishment and accommodated in rented buildings.

Learned counsel for the petitioner, Sri B.V.Subbaiah, submits that the petitioner college was granted affiliation to run various degree courses and post graduate courses and that affiliation was not given to college buildings, where the courses are conducted. The condition to own buildings is not mandatory and therefore the impugned order is unsustainable. The University did not impose any condition at the time of granting affiliation to own buildings and therefore for non-compliance with the condition, the college cannot be penalised. **Per contra,** Sri B.Adinarayana Rao, learned counsel appearing for the University submits that as per the Education Act, the Higher Education Rules as well as the Laws of the University and the Rules for starting new post graduate courses by private managements framed by the State Council, the affiliation is granted to the college to run courses and therefore even if a college is granted affiliation to run post graduate courses in a degree college, affiliation can be denied if such college is run in a rented building.

This Court by a judgment dated 20.08.2004 in W.P.No.10838 of 2004 and batch, wherein a similar impugned order was challenged, considered the question raised in this writ petition. After referring the relevant passages in **Unni Krishnan, J.P. v State of A.P.,**, it was held:

> Affiliation or recognition of a college by the University renders the activity of the college meaningful. It would not be correct to say that University gives affiliation to a course. Affiliation is given to a private college to offer courses and not only to offer courses.

The other questions raised herein are squarely covered by the said judgment delivered by this Court in W.P.No.10838 of 2004 and batch and therefore it is not necessary again to consider these questions. The said judgment shall form part of this order.

Further with the assistance of the learned counsel for the University, I have gone through the provisions of the Laws of the University, which is compilation of Sri Venkateswara University Act, 1954, the relevant statutes and ordinances. Chapter XI deals with affiliation and recognition of colleges. A reading of rules/regulations dealing with affiliation would show that affiliation is granted to a college and the management has to satisfy the executive council that the college established by them has infrastructural facilities, financial facilities and other wherewithal to run the courses. After perusing the Laws of the University, it is not possible to countenance the submission of the learned counsel for the petitioner.

The writ petition is devoid of any merit and is accordingly dismissed with costs.

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(V.V.S.RAO,J)

27.08.2004.

pln

To

1. The Registrar, Sri Venkateswara University, Tirupathi, Chittoor District.
   With a copy of order in W.P.No.10838 of 2004 and batch
2. 2 CD copies.